

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
U.S. DISTRICT COURT
DISTRICT OF MASS.
2003 JUL 16 P 2:20

----- x
In Re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

: U.S. DISTRICT COURT
: DISTRICT OF MASS.
: MDL NO. 1456

THIS DOCUMENT RELATES TO:

: Master File No. 01-CV-12257-PBS

COUNTY OF SUFFOLK v. ABBOTT
LABORATORIES, INC. et al., Civil
Action No. 03-10643-PBS
----- x

: Judge Patti B. Saris
:
:
:
:

JOINT MOTION FOR ENTRY OF
SCHEDULING ORDER

The undersigned counsel for plaintiff and defendants that have been served in the above-captioned action respectfully move this Court for the entry of a proposed Scheduling Order (attached hereto as Exhibit A).

Plaintiff filed its complaint on January 14, 2003 in the United States District Court for the Eastern District of New York. The action was subsequently transferred to this Court by the Judicial Panel on Multidistrict Litigation in March 2003. No responsive pleadings have yet been filed in this action.

In light of this Court's Memorandum and Order dated May 13, 2003, plaintiff intends to file an amended complaint. Under these circumstances, the parties agree that it would be inefficient for the served defendants to respond to the claims in the current complaint. Accordingly, the served defendants respectfully request to be relieved of the obligation to respond to the current complaint. Plaintiff has no objection to this request. In addition, the served defendants anticipate that they will move to dismiss the amended complaint.

Accordingly, the parties jointly request that the Court adopt the proposed scheduling order attached hereto as Exhibit A.

Respectfully Submitted,

ON BEHALF OF PLAINTIFF SUFFOLK COUNTY

By:  _____

DATED: July 15, 2003

Joanne M. Cicala, Esq.
KIRBY MCINERNEY & SQUIRE LLP
830 Third Avenue
New York, NY 10022

ON BEHALF OF SERVED DEFENDANTS

By:  _____

DATED: July 15, 2003

Nicholas C. Theodorou, Esq. (BBO# 496730)
Juliet S. Sorensen, Esq. (BBO# 647255)
FOLEY HOAG, LLP
155 Seaport Boulevard
Boston, MA 02210

D. Scott Wise, Esq. (admitted *pro hac vice*)
Kimberley Harris, Esq. (admitted *pro hac vice*)
DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, NY 10017

Attorneys for AstraZeneca Pharmaceuticals L.P.